IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ petition No. 80 of 2002 (M/B)

Satish Aged about 40 years
S/o Sri Mange Ram,
R/O 107 Inderesh Nagar
Dehradun. ……. Petitioner

Versus

1. State of Uttaranchal,
   through its Secretary, Department of Social Welfare,
   Dehradun.
2. District Magistrate
   Dehradun
3. District Manager, Uttar Pradesh Scheduled
   Caste Finance Corporation Limited.
   Dehradun ……. Respondents

Mr. Anil Kumar Joshi, Advocate for the petitioner.
Mr. N.C. Gupta, Standing Counsel for the State of Uttaranchal for respondents 1 to 3.

JUDGMENT

Coram: Hon. Rajeev Gupta, C.J.
Hon. P.C. Pant, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. Anil Kumar Joshi, Advocate for the petitioner.

Mr. N.C. Gupta, Standing Counsel for the State of Uttaranchal for respondent Nos. 1 to 3.

They are heard.

2. The petitioner has filed this writ petition for the following reliefs:

> "I. To issue writ, order or direction in the nature of certiorari quashing the impugned orders dated 18.02.2002 and 25.02.2002 passed by the respondent no. 2 and 3 respectively (contained as Annexure No. 1 to this writ petition.)
>
> II. To issue writ, order or direction in the nature of mandamus by commanding the opposite parties to allow the petitioner to run his business in the shop in question and not create any hindrance in the

peaceful business of the petitioner in the shop in question.

III. To issue a writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstance of the case.

IV. To award the costs of the writ petition."

3. The petitioner's main grievance is that the allotment of the shop made in his favour by the District Manager, Uttar Pradesh Scheduled Case Finance Corporation Ltd. Dehradun vide order dated 02.08.2001 was cancelled by the District Magistrate, Dehradun vide order dated 18.02.2002 without issuing any show cause notice to the petitioner.

4. From the impugned order Annexure 1, we gather that the impugned order was passed by the District Magistrate, Dehradun without giving an opportunity of hearing to the petitioner. The learned Standing Counsel also could not place any material before us to show that the petitioner was given an opportunity of hearing before the cancellation of the allotment order in his favour.

5. Thus the impugned order dated 18.2.2002 to the extent it relates to the petitioner and consequential order dated 25.02.2002 are liable to be set aside.

6. Therefore, the impugned order dated 18.02.2002 to the extent it relates to the petitioner Satish and consequential order dated 25.02.2002 passed by the District Manager, Uttar Pradesh Scheduled Caste Finance Corporation Ltd. Dehradun are set aside. The District Magistrate Dehradun is directed to consider the matter afresh and pass appropriate order in accordance with law after giving an opportunity of hearing to petitioner- Satish.

7. The petitioner shall be at liberty to raise all the permissible objections/grounds before the District Magistrate, Dehradun.

8. With the above direction, the writ petition stands disposed of.

(P.C.Pant, J.) **(Rajeev Gupta, C.J.)**

04.04.2006 **04.04.2006**

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